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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/760,960 | 01/20/2004 | Julie A. Kadashevich | 260-079 | 1474 |

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LOTUS AND RATIONAL SOFTWARE
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| EXAMINER | |
|---|---|
| ADDY, THJUAN KNOWLIN | |
| **ART UNIT** | **PAPER NUMBER** |
| 2614 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 08/06/2009 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dave@davedagg.com

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/760,960 | KADASHEVICH, JULIE A. | |
| | Examiner | Art Unit | |
| | THJUAN K. ADDY | 2614 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *06 May 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-22,24 and 25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22,24 and 25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 June 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment filed on May 06, 2009 has been entered. Claims 1, 12, 15, and 18 have been amended. Claim 23 has been cancelled. Claims 24 and 25 have been added. Claims 1-22, 24, and 25 are now pending in this application, with claims 1, 12, 24, and 25 being independent.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-22, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoyama et al. (US Patent Application, Pub. No.: US 2001/0029526 A1), in view of Bonnell et al. (US 5,978,594).

3. In regards to claims 1, 24, and 25, Yokoyama discloses a method for identifying (via a mobile agent identifier/ID) an off-schedule software agent (for example, a mobile agent which has not returned significantly after a traveling time limit has passed) operating in a computer system, said method comprising: associating an entry time with said software agent (e.g., mobile agent) entering a queue (e.g., travel/scheduled service); comparing said entry time to said clock time to obtain a queue time for said

software agent; comparing said queue time to a threshold limit; and identifying said software agent as said off-schedule software agent if said queue time exceeds said threshold time limit (See pg. 2, paragraph [0048] – [0049]; pg. 3, paragraph [0055]; pg. 3, paragraph [0060]; pg. 4, paragraph [0062]; and pg. 6, paragraph [0132] – [0133]). Yokoyama, however, does not disclose wherein said queue is a run queue in which said software agent is stored in said computer system until an executive process in said computer system is free to process said software agent by running said software agent until said software agent is finished executing, wherein said entry time is a time at which a manager process moves said software agent from a holding queue to said run queue; and obtaining a clock signal associated with a clock time at which said software agent is still stored in said run queue. Bonnell, however, does disclose wherein said queue is a run queue (See Fig. 3 and Run Queue 71) in which said software agent (See Fig. 1 and Agent Software 36) is stored in said computer system (See Fig. 1 and Server Computer System 14) until an executive process (See Fig. 3 and Command Execution Manager 68) in said computer system is free to process said software agent by running said software agent until said software agent is finished executing, wherein said entry time is a time at which a manager process (See Fig. 3 and Run Queue Scheduler 70) moves said software agent from a holding queue to said run queue; and obtaining a clock signal (e.g., timer) associated with a clock time at which said software agent is still stored in said run queue (See col. 4 lines 51-64, col. 7 lines 45-56, and col. 8 lines 14-59). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate these limitations within the system, as a way of centrally

monitoring and managing computers, applications, and other resources present in a distributed computing environment.

4. In regards to claim 2, Yokoyama discloses the method, wherein said clock signal is obtained from a system clock (See pg. 2, paragraph [0046] and pg. 5, paragraph [0104]).

5. In regards to claim 3, Yokoyama discloses the method, wherein said clock time indicates the current time (See pg. 5, paragraph [0104]).

6. In regards to claim 4, Yokoyama discloses the method, wherein said threshold time limit is associated with a graded scale for denoting the status of said software agent (See pg. 2, paragraph [0048]; pg 3, paragraph [0055]; and pg. 6, paragraph [0132] – [0133]).

7. In regards to claim 5, Yokoyama discloses the method, wherein said threshold time limit (e.g., traveling limit time 601g or scheduled end time) is specified by said computer system (See pg. 3, paragraph [0055] and pg. 3, paragraph [0060]).

8. In regards to claim 6, Yokoyama discloses the method, wherein said software agent is released from said queue if said queue time exceeds said threshold time limit (See Fig. 15; pg. 4, paragraph [0062]; and pg. 4-5, paragraph [0087]).

9. In regards to claim 7, Yokoyama discloses the method, wherein said software agent has a priority associated therewith (See pg. 3, paragraph [0055]).

10. In regards to claim 8, Yokoyama discloses the method, wherein said priority is changed if said software agent is identified (See pg. 3, paragraph [0055] and pg. 3, paragraph [0059]).

11. In regards to claim 9, Yokoyama discloses the method, wherein said software agent has information associated therewith, said information allowing statistics of said software agent to be generated (See pg. 2, paragraph [0048]; pg. 3, paragraph [0052]; and pg. 3-4, paragraph [0061]).

12. In regards to claim 10, Yokoyama discloses the method, wherein said statistics of said software agent are compared to statistics associated with other software agents operating in said queue (See pg. 3-4, paragraph [0061]).

13. In regards to claim 11, Yokoyama discloses the method, wherein at least a portion of said information is displayed (via display device 109, See Fig. 1) to a user (e.g., server administrator) (See pg. 2, paragraph [0048]).

14. In regards to claim 12, Yokoyama discloses a method for managing a plurality of off-schedule software agents (for example, a mobile agent which has not returned significantly after a traveling time limit has passed) concurrently operating in a queue (e.g., travel/scheduled service) on a computer system, each of said plurality of software agents (e.g., mobile agents) having data associated therewith, said method comprising: receiving said data; processing said data to determine if any of said plurality have excessive queue times, those of said plurality having excessive queue times identified as late software agents; and operating on at least said late software agents (See pg. 2, paragraph [0048] – [0049]; pg. 3, paragraph [0055]; pg. 3, paragraph [0060]; pg. 4, paragraph [0062]; and pg. 6, paragraph [0132] – [0133]). Yokoyama, however, does not disclose wherein said excessive queue times are determined responsive to a run queue in which said plurality of software agents are stored in said computer system until

executive processes in said computer system are free to process respective ones of said plurality of off-schedule software agents by running said off-schedule software agents until said off-schedule software agents are finished executing, wherein said off-schedule software agents are each determined to be off-schedule responsive to comparing differences between entry times at which a manager process moved each of said off-schedule software agents from a holding queue to said run queue and a later time at which said off-schedule software agents are still stored in said run queue with a threshold time limit associated with said run queue and determining that said differences each exceed said threshold time limit . Bonnell, however, does disclose wherein said excessive queue times are determined responsive to a run queue (See Fig. 3 and Run Queue 71) in which said plurality of software agents (See Fig. 1 and Agent Software 36) are stored in said computer system (See Fig. 1 and Server Computer System 14) until executive processes (See Fig. 3 and Command Execution Manager 68) in said computer system are free to process respective ones of said plurality of off-schedule software agents by running said off-schedule software agents until said off-schedule software agents are finished executing, wherein said off-schedule software agents are each determined to be off-schedule responsive to comparing differences between entry times at which a manager process moved each of said off-schedule software agents from a holding queue to said run queue and a later time at which said off-schedule software agents are still stored in said run queue with a threshold time limit associated with said run queue and determining that said differences each exceed said threshold time limit (See col. 4 lines 51-64, col. 7 lines 45-

56, and col. 8 lines 14-59).

15. In regards to claim 13, Yokoyama discloses the method, wherein said operating further comprises: determining if said late software agents reside in the same database (See pg. 3-4, paragraph [0061]).

16. In regards to claim 14, Yokoyama discloses the method, further comprising parsing said late software agents across a plurality of databases (See Fig. 2 and Groups A, B, X) (See pg. 3-4, paragraph [0061]).

17. In regards to claim 15, Yokoyama discloses the method, wherein said queue has a threshold time limit associated therewith, said threshold time limit for determining the number of concurrently running agents allowed to operate in said queue (See Fig. 15; pg. 4, paragraph [0062]; and pg. 4-5, paragraph [0087]).

18. In regards to claim 16, Yokoyama discloses the method, wherein the number of said agents making up said plurality is compared to said threshold time limit (See Fig. 15; pg. 4, paragraph [0062]; and pg. 4-5, paragraph [0087]).

19. In regards to claim 17, Yokoyama discloses the method, further comprising: providing a plurality of executive processes if said plurality exceeds said threshold time limit when said comparison is made (See Fig. 15; pg. 4, paragraph [0062]; and pg. 4-5, paragraph [0087]).

20. In regards to claim 18, Yokoyama discloses the method comprising: defining criteria to be used with said received data; sorting said received data according to said criteria; generating a list containing said received data; filtering said received data; and providing said received data to a document (See pg. 2, paragraph [0048] – [0049]; pg.

3, paragraph [0055]; pg. 3, paragraph [0060]; pg. 4, paragraph [0062]; and pg. 6, paragraph [0132] – [0133]). Yokoyama, however, does not disclose receiving said data associated with said off-schedule software agents from said run queue to produce received data. Bonnell, however, does disclose receiving said data associated with said off-schedule software agents (See Fig. 1 and Agent Software 36) from said run queue (See Fig. 3 and Run Queue 71) to produce received data (col. 4 lines 51-64, col. 7 lines 45-56, and col. 8 lines 14-59).

21. In regards to claim 20, Yokoyama discloses the method, wherein said filtering removes unwanted agent data (See pg. 3-4, paragraph [0061]).

22. In regards to claim 21, Yokoyama discloses the method, wherein said document is made available to a user (e.g., server administrator) (See pg. 2, paragraph [0048]).

23. In regards to claim 22, Yokoyama discloses the method, wherein said document comprises: instructions for said user to improve operation of at least one of said plurality of agents (See pg. 2, paragraph [0048]).

## *Response to Arguments*

24. Applicant's arguments with respect to claims 1-22, 24, and 25 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee et al. (US 6,263,358) teach a scheduler for a software system having means for allocating tasks. McIntyre et al. (US 6,675,156) teach a robotic teleportation method and system.

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

27. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/
Primary Examiner, Art Unit 2614